

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEREK A. CAPOZZI,
Petitioner,
vs.
WARDEN NORTON, et al.,
Respondent. } Case No. EDCV 10-239-AHM (DTB)
} AMENDED CASE MANAGEMENT
AND SCHEDULING ORDER
[CIVIL RIGHTS]
)

DISCOVERY

1. Cut-off Date

On or before **October 15, 2012**, the parties shall provide each other with a copy of relevant documents in their possession, in a redacted form if necessary for security or privilege purposes; and, if necessary, they shall provide a security/privilege log sufficiently describing any undisclosed relevant documents which are alleged to be subject to non-disclosure. Any party may request that the Court conduct an in camera review of withheld documents or information.

All discovery shall be completed on or before **January 7, 2013**. No discovery may be taken after that date without the prior approval of the Court. Such approval will be granted only in exceptional circumstances and upon a showing of good cause.

1 Discovery taken by deposition is complete when questioning ceases. Discovery taken
2 by written request (interrogatories, requests for production of documents and things,
3 and requests for admissions) is complete on the date when the written response to the
4 request is due.

5 **2. Availability of Discovery**

6 Parties may obtain discovery regarding any matter, not privileged, that is
7 relevant to the claim or defense of any party. See Fed. R. Civ. P. 26(b)(1). Pro se
8 litigants are entitled to discovery in civil rights actions to the same extent as are
9 litigants represented by counsel. Of course, the court may order a complete or partial
10 stay of discovery in appropriate circumstances, including where a defense of qualified
11 immunity is raised.

12 **3. Depositions**

13 Any deposition shall be scheduled to commence at least fourteen (14) calendar
14 days after service of the deposition notice and at least five (5) court days before the
15 discovery cut-off date. Pursuant to Fed. R. Civ. P. 30(a)(2), leave of Court is hereby
16 given to depose plaintiff, if plaintiff is confined in prison.

17 **4. Interrogatories**

18 Any interrogatories shall be served at least forty-five (45) calendar days prior
19 to the discovery cut-off date.

20 **5. Production of Documents and Things**

21 Any request for production of documents or things shall be served at least
22 forty-five (45) calendar days prior to the discovery cut-off date.

23 **6. Requests for Admissions**

24 Any requests for admissions shall be served at least forty-five (45) calendar
25 days prior to the discovery cut-off date.

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MOTIONS

7. Discovery Motions

Any motion challenging the adequacy of a discovery response, or seeking an order compelling further discovery, shall be filed and served not later than ten (10) calendar days after the discovery cut-off date. The Court expects the parties to resolve discovery problems among themselves whenever possible.

8. Substantive Motions

Any motions directed to the Court's jurisdiction or to the merits of any claim or defense (such as a motion to dismiss or a motion for summary judgment) shall be filed and served not later than **February 7, 2013**. If no party to the action is in custody, the regular Local Rules governing the noticing and briefing of motions shall apply. See Local Rules 7, 56. If any party to the action is in custody, then no hearing date will be set, any opposition to the motion shall be filed and served within thirty (30) calendar days after service of the motion, any reply shall be filed within fifteen (15) calendar days after service of the opposition, and the motion shall be deemed submitted for decision on the basis of the papers timely filed and without oral argument unless otherwise ordered by the Court.

STATUS REPORT

9. Each party shall file and serve a status report no later than October 19,

2012. The status report shall contain the following information: (a) a summary of the proceedings to date and a statement of the principal issues raised by the case; (b) a statement as to whether all parties have been served, and if not, a proposed deadline by which service will be completed; (c) a statement as to whether other parties will be added or amended pleadings will be filed, and if so, a proposed deadline by which those steps will be taken; (d) a description of any discovery completed, and a schedule for any future discovery; (e) a list of contemplated motions, if any, along with proposed dates for the filing and hearing of such motions; (f) an estimate of the

1 time likely to be required for trial, and a statement as to whether trial by jury is
2 desired and has been properly requested; (g) a description of any settlement
3 negotiations that have occurred, and a recommendation as to the form of settlement
4 conference or other method of alternative dispute resolution that would be most
5 appropriate given the nature of this case; (h) any suggestions the parties may wish to
6 make regarding the management of this action. Where feasible, the parties are
7 strongly encouraged to file a joint status report.

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9 **COMPLIANCE WITH RULES**

10 **10.** All parties must comply with the Federal Rules of Civil Procedure and
11 the Local Rules of this Court, unless compliance is expressly waived by order.

12 **11.** Compliance with the following Local Rules of this Court is waived if,
13 and only if, plaintiff is in custody and not represented by counsel: 7-3; 7-14; 7-15 (all
14 substantive motions shall be deemed submitted the day after the reply papers are due);
15 26-1; 37-1; 37-2; 37-3; and 65-1 (but only to the extent that it requires motions for
16 temporary restraining orders or preliminary injunctions to be set for hearing on the
17 calendar).

18 IT IS SO ORDERED.

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20 DATED: September 10, 2012



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22 DAVID T. BRISTOW
23 UNITED STATES MAGISTRATE JUDGE

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